

REMARKS/ARGUMENTS

Claims 14-30 are pending in the instant application. Claims 14-15 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,819,728 to Kuhn. Claims 16-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhn in view of WO 97/25073 to Gunther. Claims 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhn in view of United States Patent No. 6,045,775 to Ericsson. Claims 28-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhn in view of United States Patent No. 5,553,619 to Prince and United States Patent No. 5,560,360 to Filler.

Claim 14 has been amended. The amendment does not constitute new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Claims 14-15 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,819,728 to Kuhn. This rejection is respectfully traversed. Claim 14 of the present invention clearly discloses administering the blood pool contrast agent by i.v. injection directly into the body of a patient so that the device can be visualized and guided towards the desired location. Kuhn, unlike the present invention, uses a catheter filled with a blood pool contrast agent and can only be visualized when the catheter has reached its desired location and the contrast agent is injected. Kuhn fails to image either the position or the direction of the catheter moving towards its desired location. Furthermore, Applicants respectfully point out it is well-settled law that “when a claimed invention is not

identically disclosed in a reference, and instead, requires picking and choosing among a number of different options disclosed by the reference, then the reference does not anticipate. *Mendenhall v. Astec Industries, Inc.*, 13 U.S.P.Q.2d 1956 (Fed. Cir. 1989). (emphasis added). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 16-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhn in view of WO 97/25073 to Gunther. This rejection is respectfully traversed. Gunther discloses blood pool contrast agents for use in imaging. Claims 16-24 are all dependent on claim 14 and inherent all the limitations set forth in claim 14. Accordingly, Applicants respectfully submit that simply replacing the contrast agent of Kuhn with the contrast agent disclosed by Gunther would not lead to the instant invention. In the instant invention the contrast agent is injected into the vasculature and surrounds the device being visualized according to the instant invention. Neither Kuhn nor Gunther disclose, teach nor suggest the instant invention. Accordingly, Applicants respectfully submit that it is impermissible within the framework of 35 U.S.C. §103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986). (emphasis added). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhn in view of United States Patent No. 6,045,775 to Ericsson. This rejection is

respectfully traversed. Claims 26-27 are both dependent on claim 14 and inherent all the limitations set forth in claim 14. As submitted above Kuhn discloses a method where the contrast agent is contained in the catheter until it reaches the desired location and then the contrast agent is injected. Combining the disclosure of Kuhn with Ericcson would not lead to the instant invention where the blood pool contrast agent is injected into the vasculature and surround the device to be visualized. Kuhn and Ericcson taken alone or combined do not disclose, teach or suggest the instant invention. Again, Applicants respectfully submit that it is impermissible within the framework of 35 U.S.C. §103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986). (emphasis added). Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 28-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuhn in view of United States Patent No. 5,553,619 to Prince and United States Patent No. 5,560,360 to Filler. This rejection is respectfully traversed. Claims 28-30 are all dependent on claim 14 and inherent all the limitations set forth in claim 14. Applicants submit that the combination of Kuhn with Prince and/or Filler would not lead to the instant invention, since none of them disclose teach or suggest the visualization of a device surrounded by a blood pool contrast agent as in the instant invention. Again, Applicants respectfully submit that it is impermissible within the framework of 35 U.S.C. §103 to pick and choose from any one

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art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986).
(emphasis added). Reconsideration and withdrawal of the rejection are respectfully
requested.

CONCLUSION

Applicants respectfully submit that the present application, including claims 14-30, is in condition for allowance. Favorable action thereon is respectfully requested.

Should any other matters require attention prior to allowance of the application, it is requested that the Examiner contact the undersigned.

Authorization is hereby given to charge any additional fees which may be due in connection with this communication to Deposit Account No. 502-665.

Respectfully submitted,

/Craig M. Bohlken/
Craig M. Bohlken
Reg. No. 52,628

GE Healthcare, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6530
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